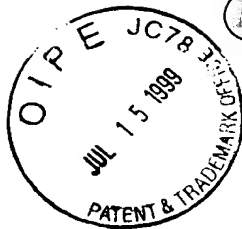


DOCKET NO. ISIS-3510



#3  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In Re Application of:**

Teng, Cook, Tillman, Hardee, Ecker &  
Manoharan

**Group Art Unit:** Not Assigned

**Examiner:** Not Assigned

**For:** Compositions and Methods for Non-  
Parenteral Delivery of Oligonucleotides

**DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name; and

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a



Utility Patent



Design Patent

is sought on the invention, whose title appears above, the specification of which:



is attached hereto.



was filed on May 20, 1999 as Serial No. 09/315,298 .



said application having been amended on \_\_\_\_\_ .

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to be material to the patentability of this application in accordance with 37 CFR § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a-d) of any **foreign**

**application(s)** for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of any application on which priority is claimed:

Priority Claimed (If X'd)	Country	Serial Number	Date Filed
<input type="checkbox"/>	_____	_____	_____
<input type="checkbox"/>	_____	_____	_____
<input type="checkbox"/>	_____	_____	_____
<input type="checkbox"/>	_____	_____	_____

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to be material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Serial Number	Date Filed	Patented/Pending/Abandoned
09/082,624	May 21, 1998	Pending
_____	_____	_____
_____	_____	_____
_____	_____	_____

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Serial Number	Date Filed
_____	_____

I hereby appoint the following persons as attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

JohnW. Caldwell                      Registration No. 28,937

Michael P. Straher                      Registration No. 38,325

of **WOODCOCK WASHBURN KURTZ MACKIEWICZ & NORRIS LLP**, One Liberty Place - 46<sup>th</sup> Floor, Philadelphia, Pennsylvania 19103 and

Herb Boswell                      Registration No. 27,311

Laurel Bernstein                      Registration No. 37,280


Henry Wu                      Registration No. 44,412

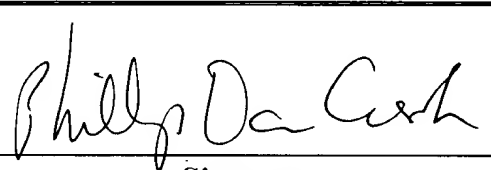
of **ISIS PHARMACEUTICALS, INC.**, 2292 Faraday Avenue, Carlsbad, California 92008


Address all telephone calls and correspondence to:

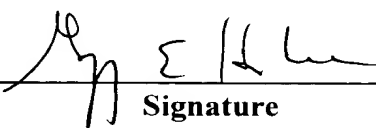
Michael P. Straher, Esq.  
**WOODCOCK WASHBURN KURTZ  
MACKIEWICZ & NORRIS LLP**  
One Liberty Place - 46th Floor  
Philadelphia PA 19103  
Telephone No.: **(215) 568-3100**  
Facsimile No.: **(215) 568-3439**

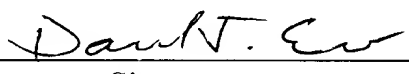
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

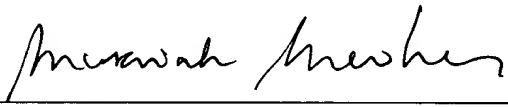
<b>Name:</b> Ching-Leou Teng	 Signature  Date of Signature: <u>6/22/99</u>  Citizenship: <u>U.S</u>
<b>Mailing Address:</b> 4571 Mercurio Street San Diego, California 92130	
<b>City/State of Actual Residence:</b> San Diego, CA. 92130	

<b>Name:</b> Phillip Dan Cook	 Signature  Date of Signature: <u>6/29/99</u>  Citizenship: <u>U.S.</u>
<b>Mailing Address:</b> PPC 1155 La Casa 5237 Olive Hill Road <del>Lake San Marcos, California 92069</del> FAIRBROOK, 92028	
<b>City/State of Actual Residence:</b> Lake San Marcos, CA 92069	

<b>Name:</b> Lloyd Tillman	 Signature  Date of Signature: <u>6-24-99</u>  Citizenship: <u>U.S.</u>
<b>Mailing Address:</b> 4350 Stanford Street Carlsbad, California 92008	
<b>City/State of Actual Residence:</b> Carlsbad, CA 92008	

<b>Name:</b> Gregory E. Hardee	 Signature
<b>Mailing Address:</b> 17407 La Brisa Rancho Sante Fe, California 92067	<b>Date of Signature:</b> 6/23/99
<b>City/State of Actual Residence:</b> Rancho Sante Fe, CA 92067	<b>Citizenship:</b> U.S.

<b>Name:</b> David J. Ecker	 Signature
<b>Mailing Address:</b> 1041 Saxony Road Encinitas, California 92024	<b>Date of Signature:</b> 6/29/99
<b>City/State of Actual Residence:</b> Encinitas, CA 92024	<b>Citizenship:</b> U.S.

<b>Name:</b> Muthiah Manoharan	 Signature
<b>Mailing Address:</b> 7634 Reposado Drive Carlsbad, California 92009	<b>Date of Signature:</b> 6/25/99
<b>City/State of Actual Residence:</b> Carlsbad, CA 92009	<b>Citizenship:</b> U.S.

**Applicant or Patentee:** Teng et al.

**Serial No.:** 09/315,298

**Attorney's Docket No.:** ISIS-3510

**Date Filed:** May 20, 1999

**For:** COMPOSITIONS AND METHODS FOR NON-PARENTERAL DELIVERY OF OLIGONUCLEOTIDES

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) and 1.27(c) - SMALL BUSINESS CONCERN**

I hereby declare that I am:

- ( ) the owner of the small business concern identified below:
- (X) an official empowered to act on behalf of the concern identified below:

**NAME OF CONCERN:** ISIS Pharmaceuticals, Inc.

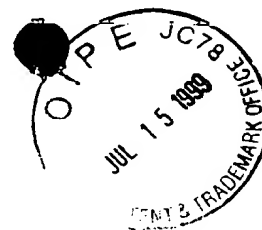
**ADDRESS OF CONCERN:** 2292 Faraday Avenue  
Carlsbad, CA 92008

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 37 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that: (1) the number of employees of the concern, including those of its affiliates, does not exceed 500 persons; and (2) the concern has not assigned, granted, conveyed, or licensed, and is under no obligation under contract or law to assign, grant, convey, or license, any rights in the invention to any person who could not be classified as an independent inventor if that person had made the invention, or to any concern which would not qualify as a small business concern or a nonprofit organization under this section. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled

by inventor(s) described in

- ( ) specification filed herewith.



#3

(X) application serial no. 09/315,298, filed May 20, 1999.

( ) patent no. \_\_\_\_\_, issued \_\_\_\_\_.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

**\*NOTE: Separate verified statements are required for each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)**

**FULL NAME:**

**ADDRESS:**

( ) INDIVIDUAL ( ) SMALL BUSINESS CONCERN ( ) NONPROFIT ORGANIZATION

**FULL NAME:**

**ADDRESS:**

( ) INDIVIDUAL ( ) SMALL BUSINESS CONCERN ( ) NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

**NAME OF PERSON SIGNING**

**TITLE OF PERSON SIGNING**

Grantland E. Bryce, J.D.

Vice President, Legal & General Counsel

**ADDRESS OF PERSON SIGNING**

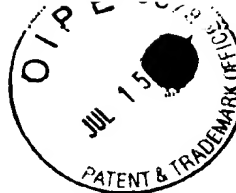
2292 Faraday Avenue

Carlsbad, CA 92008

  
**SIGNATURE**

6/29/99  
**DATE**

DOCKET NO.: ISIS-3510



#3  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

Teng, Cook, Tillman, Hardee, Ecker and Manoharan

Serial No.: 09/315,298

Group No.: 1615

Filed: May 20, 1999

Examiner: Not Assigned

For: Compositions and Methods for Non-Parenteral Delivery of  
Oligonucleotides

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

ASSOCIATE POWER OF ATTORNEY

The undersigned, **Michael P. Straher**, Registration No.  
**38,325**, of the firm WOODCOCK WASHBURN KURTZ MACKIEWICZ & NORRIS  
LLP, One Liberty Place - 46th Floor, Philadelphia, Pennsylvania  
19103, Attorney and/or Agent for Applicant(s), hereby appoints  
the following:

Robert B. Washburn	Registration No. 16,574
Richard E. Kurtz	Registration No. 19,263
John J. Mackiewicz	Registration No. 19,709
Norman L. Norris	Registration No. 24,196
Albert W. Preston, Jr.	Registration No. 25,366
Dale M. Heist	Registration No. 28,425
Philip S. Johnson	Registration No. 27,200
John W. Caldwell	Registration No. 28,937
Gary H. Levin	Registration No. 28,734
Steven J. Rocci	Registration No. 30,489
Dianne B. Elderkin	Registration No. 28,598
Francis A. Paintin	Registration No. 19,386
John P. Donohue, Jr.	Registration No. 29,916
Henrik D. Parker	Registration No. 31,863
Suzanne E. Miller	Registration No. 32,279
Lynn B. Morreale	Registration No. 32,842
Mark DeLuca	Registration No. 33,229
Joseph Lucci	Registration No. 33,307



Michael P. Dunnam	Registration No. 32,611
Michael D. Stein	Registration No. 34,734
Albert J. Marcellino	Registration No. 34,664
David R. Bailey	Registration No. 35,057
Barbara L. Mullin	Registration No. 38,250
Lynn A. Malinoski	Registration No. 38,788
Lori Y. Beardell	Registration No. 34,293
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David A. Cherry	Registration No. 35,099
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Michael J. Swope	Registration No. 38,041
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William R. Richter	Registration No. 43,879
John E. McGlynn	Registration No. 42,863
Kimberly R. Hild	Registration No. 39,224
Lawrence A. Aaronson	Registration No. 38,369
Jonathan M. Waldman	Registration No. 40,861
Chad Ziegler	Registration No. 44,273
David N. Farsiou	Registration No. 44,104
Maureen Gibbons	Registration No. 44,121
Steven H. Meyer	Registration No. 37,189
John M. Paolino	Registration No. 40,340
Joseph R. Condo	Registration No. 42,431
Michael K. Jones	Registration No. 41,100
Frank T. Carroll	Registration No. 42,392
Hans J. Crosby	Registration No. P44,634
Rena Patel	Registration No. 41,412
Mark J. Rosen	Registration No. 39,822
Mitchell R. Brustein	Registration No. 38,394
Peter M. Ullman	Registration No. 43,963
Thomas E. Watson	Registration No. 43,243
Gregory L. Hillyer	Registration No. 44,154
Maria M. Kourtakis	Registration No. 41,126


and

Herb Boswell	Registration No. 27,311
Laurel Bernstein	Registration No. 37,280
Henry Wu	Registration No. 44,412

of **ISIS PHARMACEUTICALS**, 2292 Faraday Avenue, Carlsbad, California 92008; his associates, with full power to prosecute the above-identified application and to transact all business in the Patent Office connected therewith and requests that

correspondence continue to be directed to the firm of WOODCOCK  
WASHBURN KURTZ MACKIEWICZ & NORRIS LLP at the above address.

Date: July 13, 1999

  
\_\_\_\_\_  
**Michael P. Straher**  
Attorney of Record  
Registration No. 38,325

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